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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007-1312

U.S. v. Epskamp

No. 12-cr-120(RJS)

RICHARD J. SULLIVAN
JUDGE

212-805-0264
FAX 805-7946

Ladies and gentlemen:

We are sending in the binders
I mentioned previously. Could you
please provide the Court Security
officer with Mr. Mohammed's trial
notepad, and could you send me
a note indicating your choice
of foreperson at your earlier
convenience.

Thanks,

RJS

Exhibit 2

Mar 2nd, 2015

2:35 PM

The jury foreperson is

Thomas Whitman

(Juror #5)

off White

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007-1312

Court Ex 3
3/2/15
3:00 PM

RICHARD J. SULLIVAN
JUDGE

212-805-0264
FAX 805-7946

To ensure that the verdict form more closely tracks my instructions on the law, I have attached corrected versions of the verdict form to be included in your binders and filled out by your foreperson once you have reached a verdict.

Please replace the verdict forms in your binders with these, and then disregard the earlier forms.

Thanks.

RJS

Mar 2, 2015

3:00 PM

May we have a copy of
the court transcript -

A handwritten signature in cursive script, appearing to read "Tom Whitman".

Thomas Whitman

Juror # 5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007-1312Court Ex. 5
3/2/15
3:20pmRICHARD J. SULLIVAN
JUDGE212-805-0264
FAX 805-7946

you have requested a copy of the entire trial transcript. However, it is likely to take quite some time to provide you with a copy of the transcript that redacts out those portions that are not evidence -- namely, the opening statements, summations, and side bars and other conferences that took place outside the presence of the jury. Accordingly, if you have particular requests with respect to individual witnesses or subjects, it may be more efficient to focus on those. Please let us know if there are particular portions of the transcript, or specific exhibits, that you would like to see.

RJS

Govt Ex 6
Mar 2nd,

3:30 PM

May we have a copy of
Government Exhibit 311 and 312

311 Jaragua Hotel Record Dec 4th - Dec 7th

312 Jaragua Hotel Record Dec. 4 - Dec 11th

of which

Thomas Whitman

John #5

Ex 7

3/2/15

5:05 PM

A juror is asking for clarification - if you have a majority vote, can that be considered a unanimous vote -

off White

Thomas Wirtman

Juror #5

*Also what is the protocol

concerning the end of our day - when does the jury get dismissed for the day

CHAMBERS OF
RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

3/2/15
5:22 pm

In response to your most recent note -- your verdict must be unanimous, which means that all twelve of you must be in agreement. A majority vote is not sufficient.

With respect to how long you should deliberate today, that is entirely up to you. Although I expect that you will deliberate until 5:30, you are free to deliberate longer if you would like. If that is the case, please send me a note indicating how long you would like to deliberate this evening, so we can make the necessary arrangements. On the other hand, if you would like to conclude at 5:30 today and come back tomorrow morning to resume your deliberations, that is also fine. Let me know either way, and I will give you further instructions depending on your response.

RJS

Mar 2nd

5:30 PM

The jury would like to conclude its
deliberation today - We will wait for
your instructions.

TJ White

Thomas Whitman

Jury # 5

Cont 5x11

March 3rd

9:35 AM

The jury is all present -

off with

Thomas Whitman

#5

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
40 FOLEY SQUARE
NEW YORK, NEW YORK 10007-1312

Court Ex 12
3/3/15
9:37 am

RICHARD J. SULLIVAN
JUDGE

212-805-0264
FAX 805-7946

Good morning. You may resume your deliberations.

RJS

Govt Ex 13

March 3rd

10:05 AM

May we have transcript of Agent
Thompson's testimony -

Off Clerk

Thomas Winkler

5

Row 14
March 3rd 2015
11:25

May we have the testimony of
Pilot Carlos Medina

off White
Thomas Whitman
5

Ex 15
12:25

Mar 3, 2015

May we have the following

- ① Transcript 200-T-76
- ② Summary Phone Chart 203
- ③ transcript of calls from Epskamp's 316 line
- ④ 202-OR wire line sheets

off White

Thomas Whitman
5

CHAMBERS OF
RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

Gant Ex 16
3/3/15
12:46 pm

Attached are the exhibits you requested.

Your lunch should be arriving shortly. I will be excusing the lawyers and parties at 1:00 so they can also grab a bite to eat. If you have notes during that time, just hand them to the Court Security Officer as you normally would. Just be aware that it may take us a little longer to respond in light of the fact that it's lunchtime.

Thanks.

A handwritten signature in blue ink, consisting of the letters 'RJS' in a stylized, cursive-like font.

Ex. 17

March 3, 2015

2:00 PM

The jury has reached a
verdict -

off

Thomase Col. Man

Juror # 5

Count Ex 18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

NICOLAS EPSKAMP,

Defendant.

No. 12-cr-120 (RJS)

VERDICT FORM

Please answer these questions in the order given. Do *not* write anything on this form except to check a response or to sign and date the form.

COUNT ONE

Question 1

How do you find the defendant, NICOLAS EPSKAMP, a/k/a "Nico," a/k/a "The Journalist," with respect to **Count One**: conspiracy to possess with intent to distribute a controlled substance on board an aircraft registered in the United States?

Guilty ☒

Not Guilty ☐

If you answered Question 1 "Guilty," please proceed to Question 1a. If you answered Question 1 "Not Guilty," please proceed to Question 2.

Question 1a

If you find that the defendant, NICOLAS EPSKAMP, a/k/a "Nico," a/k/a "The Journalist," is "Guilty" with respect to **Count One**, do you find that the controlled substance involved was cocaine?

Yes ☒

No ☐

If you answered Question 1a "Yes," please proceed to Question 1b. If you answered Question 1a "No," please proceed to Question 2.

Question 1b

If you find that the defendant, NICOLAS EPSKAMP, a/k/a "Nico," a/k/a "The Journalist," is "Guilty" with respect to **Count One** and you find that the controlled substance involved was cocaine, how much cocaine was the defendant involved with?

5 kilograms or more of cocaine ☒

500 grams or more, but less than 5 kilograms of cocaine ☐

COUNT TWO

Question 2

How do you find the defendant, NICOLAS EPSKAMP, a/k/a "Nico," a/k/a "The Journalist," with respect to **Count Two**: possessing with intent to distribute a controlled substance on board an aircraft registered in the United States, or aiding and abetting the same?

Guilty ☒

Not Guilty ☐

If you answered Question 2 "Guilty," please proceed to Question 2a. If you answered Question 2 "Not Guilty," please proceed to Final Instruction.

Question 2a

If you find that the defendant, NICOLAS EPSKAMP, a/k/a "Nico," a/k/a "The Journalist," is "Guilty" with respect to **Count Two**, do you find that the controlled substance involved was cocaine?

Yes ☒

No ☐

If you answered Question 2a "Yes," please proceed to Question 2b. If you answered Question 2a "No," please proceed to Final Instruction.

Question 2b

